

Storm Water Enforcement Act of 1998 (AB 2019) is Taking Effect

Warning: File your NOI and Submit Your Annual Reports or Be Fined

On September 29, 1998, Governor Pete Wilson signed into law Assembly Bill 2019 creating the Storm Water Enforcement Act of 1998. The Act is aimed at ensuring industrial facilities comply with State and Federal storm water laws. The Act requires the State Water Resources Control Board and the Regional Water Quality Control Boards to do four things:

- 1) Undertake more efforts to identify dischargers of storm water that have not applied for and obtained coverage under the State Industrial Activities Storm Water General Permit (General Industrial Activities Storm Water Permit), by submitting a Notice of Intent (NOI) form.
- 2) Encourage facilities to submit annual reports as required by the General Permit.
- 3) Provide an incentive for dischargers to apply for coverage by reducing the annual storm water fee from \$500 to \$250 in the 1999 calendar year, and to \$50 thereafter until the year 2003. (Industries that are covered by the Permit must pay the annual storm water fee.)
- 4) Penalize facilities that do not comply.

The purpose of the General Industrial Activities Storm Water Permit is to prevent polluted storm water from entering creeks and the Bay. Storm water pollution is caused by rainfall moving over the ground. As runoff moves, it picks up natural and human-made pollutants, and deposits them into lakes, rivers, wetlands, coastal waters, and even aquifers. Common pollutants include toxic substances from industrial processes, oil and grease from parking lots, and fertilizers, herbicides, and pesticides from landscaping. Many industrial and manufacturing operations can result in storm water pollution when they are exposed to rain.

The original General Industrial Activities Storm Water Permit was issued in January, 1992. It is intended to regulate storm water discharges by identifying those industries that must develop and implement storm water pollution prevention plans at their facilities. The permit does not contain site-specific compliance actions specified in advance by a regulatory agency. Instead, industries notify the State that they understand they are subject to the permit and commit to identifying and implementing whatever actions are needed to prevent storm water pollution to “the maximum extent practicable.” The accepted method to meet this standard is to implement structural and non-structural “Best Management Practices” or BMPs identified in Storm Water Pollution Prevention Plans (SWPPPs), which are usually written by the facility operators or managers.

Efforts are now underway by the State Board and the Regional Boards to identify:

- 1) dischargers of storm water that have not obtained coverage under the General Industrial Activities Storm Water Permit by filing a Notice of Intent (NOI) form,

- 2) those that have not filed a notice of non-applicability (exemption), and
- 3) those that have not submitted an annual report as required.

Under the law, dischargers are facilities that discharge, propose to discharge, or are suspected of discharging storm water associated with industrial activity.

When these facilities are identified, the Regional Board will send out notices to each facility notifying them of their need to comply with storm water laws.

Once a facility is notified of their need to comply, the facility has 30 days to do so. If a facility ignores the notice, the Regional Board will send out a second notice. After 60 days from the date of the first notice, the facility can be penalized \$5,000 for failure to apply for coverage, and \$1,000 for failure to file a notice of exemption or an annual report, for each year of non-compliance.

The Regional Board has a list, by Standard Industrial Classification (SIC), of the types of facilities that need to apply for coverage under the General Industrial Activities Storm Water Permit. To determine whether your facility should apply for coverage, contact the Regional Board at (510) 622-2494.

Some types of activities looked at during inspections of NOI regulated facilities include manufacturing, treatment, storage, or disposal of hazardous wastes, recycling and / or salvaging materials. If your facility is engaged in any of these activities, you may need to apply for coverage under the General Industrial Activities Storm Water Permit. Likewise, if your operations are exposed to rain, you may need to apply for coverage. Examples of operations that frequently have rainfall exposure include vehicle maintenance, raw materials storage, waste storage, loading docks, use of forklifts, cranes, or other industrial equipment, shipping and receiving areas for equipment, machinery, or materials, and vehicle or industrial equipment washing and cleaning.

The City of San Jose – Environmental Services Department has a one-page checklist to help facilities determine whether they may need to apply for coverage. Call (408) 945-3000 for a free one page checklist. The checklist is also available on the City of San Jose – Environmental Services Department web site at:

<http://www.ci.san-jose.ca.us/esd/inspectn.htm>

If you have questions, or want more information, call Rafles Warnars with the City of San Jose Environmental Enforcement Division at (408) 945-3063.

You may obtain a Notice of Intent form or a notice of non-applicability form from the Regional Water Quality Control Board by calling (510) 622-2494. The General Industrial Activities Storm Water Permit and NOI form is also available at the State Water Resources Control Board web site at:

<http://www.swrcb.ca.gov/stormwtr/induspmt.htm>

Stormwater Infiltration Devices (SWIDs)

Allowing rain and runoff to infiltrate (soak) into the soil reduces the quantity of pollutants reaching local streams and San Francisco Bay. When infiltration occurs throughout a watershed, the stream is protected from increased peak flows, which can cause down-cutting, bank erosion, sedimentation, and losses to property and habitat. The Regional Water Quality Control Board (RWQCB) encourages the use of infiltration as a strategy to manage urban runoff and to help protect the beneficial uses of streams and the San Francisco Bay. The Santa Clara Valley Water District (the District) has the responsibility for maintaining the groundwater quality. Therefore, there are some projects and activities that require coordination with the District.

When runoff infiltrates, however, there is a risk of potential groundwater contamination. In the Santa Clara Basin, where groundwater provides approximately half of the drinking water supply, this risk is of particular concern. The risks associated with groundwater infiltration can be minimized by:

- 1) Landscape design that promotes infiltration of runoff and natural filtration processes.
- 2) Prevention of illegal discharges to drainage systems.

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) together with the District and Bay Area Stormwater Management Agencies Association (BASMAA) have produced guidelines for **stormwater infiltration devices (SWIDs)** in *Start at the Source – Design Guidance Manual for Stormwater Quality Protection* (1999 Edition).

General Conditions and Recommendations

- **Do not encourage infiltration or percolation in:**
 - Areas with high groundwater. Generally, this means higher than 5 feet below ground or the bottom of the drainage feature.
 - Areas that drain, or are near, hazardous materials storage or use. This includes chemicals that contain nitrate, such as fertilizers.
 - Areas that may affect known groundwater pollutant plumes. The Regional Water Quality Control Board has a list of addresses of known groundwater pollutant plumes. The District has information on fuel leak and solvent plumes.
- **Retention and detention ponds at commercial/industrial sites should be inspected periodically by the local urban runoff pollution prevention program.**
- **For landscape and swales, select vegetation that requires the least amount of pesticides, herbicides, and nitrate fertilizer. Consider using native plants, which are suited to the local environment and require less care.**

- **Shrink-swell clay soils are prevalent in some areas of the Santa Clara Valley. Drainage, including infiltration features, should be designed to be appropriate to site soils.**

Drainage Features that Require District Notification

- **Bubble-ups and French drains** – According to the District, bubble-ups and French drains are not appropriate due to groundwater quality concerns. These devices should not be used in the Santa Clara Basin.
- **Dry-wells** – A District SWID permit is required for dry wells that are deeper than 10 feet. Dry wells are not appropriate where depth to groundwater is 15 feet or less, or near known groundwater pollutant plumes.
- **Wet ponds** – Wet ponds are not appropriate in areas where soil or groundwater is known to be polluted. Wet ponds should not be placed above dry wells, drainage galleries, or French drains.

For further information or questions regarding existing groundwater pollution contact:

City of San Jose, Environmental Services Department
(408) 954-3000

San Francisco Bay Regional Water Quality Control Board
(510) 622-2300

Santa Clara Valley Water District
(408) 927-0710

Source: Wendy Edde, Technical Memorandum of the Santa Clara Valley Urban Runoff Pollution Prevention Program, February 1999.

EPA Opens Four New Compliance Assistance Centers

The U.S. Environmental Protection Agency (EPA) opened four online compliance assistance centers in October, 1998, bringing the total to nine. The new centers focus on the following industries: paints and coatings, transportation, small- and medium-sized chemical manufacturers, and local government agencies.

EPA operates the centers in partnership with industry, academic institutions, environmental groups, and federal and state agencies. The centers provide regularly updated compliance policies and guidelines, pollution prevention information, sources of additional information, summaries of regulations and initiatives, vendor listings, environmental management software, and benchmarking tools that can be downloaded from the Internet. According to EPA, "The centers make information available to those who want to do the right thing."

Compliance Assistance Center Web Sites

Chemical industry

<http://www.chemalliance.org>

Local governments

<http://www.lgean.org>

Paints and coatings

<http://www.paintcenter.org>

Transportation

<http://www.transource.org>

Metal finishing

<http://www.nmfrc.org>

Automotive service and repair

<http://www.ccar-greenlink.org>

Printing

<http://www.pneac.org>

Printing wiring boards

<http://www.pwbrc.org>

Agriculture

<http://www.epa.gov/oeca/ag>

Following are additional online resources:

Small Business Environmental Homepage

<http://www.smallbiz-enviroweb.org>

Provides links to state small-business assistance centers; helpful compliance links, such as the Code of Federal Regulations; and industry sector assistance centers.

National Environmental Services and Training Programs

<http://www.estd.wvu.edu/>

Provides links to the National Small Flows Clearinghouse, which offers free and low-cost technical

assistance, products, and information about small-community onsite wastewater treatment and pollution prevention; the National Drinking Water Clearinghouse, which has free and low-cost technical assistance, products, and information about small-community drinking water systems; and the National Environmental Training Center for Small Communities, which provides toll-free training assistance and referral information, training curricula, and related low-cost products for drinking water, wastewater, and solid waste operations.

EPA's Small-business Gateway

<http://www.epa.gov/smallbusiness/>

Provides links to environmental assistance resources and technical help.

Hazardous Materials Training and Research Institute

<http://www.ateec.org/hmtri.html>

Provides environmental health and safety resources.

EnviroData Clearinghouse Homepage

<http://www.inet-center.com/envirodata>

Provides data about the generation and processing of hazardous materials and waste products.

Clean Air Clearinghouse

<http://www.narc.org/cleanair/index.htm>

Provides clean air news.

Clearinghouse for Inventories and Emission Factors

<http://ftp.epa.gov/ttn/chief/>

Provides tools for estimating air emissions and performing air emission inventories.

Information on this page is taken from WATER ENVIRONMENT & TECHNOLOGY, February 1999 edition

California Lawmakers Ease Controls on Silver Waste

In the spirit of spreading information about environmental issues to business, we have copied this excerpt from HAZMATTERS, Winter 1999 edition.

On January 01, 1999, California law governing the generation, transportation, and treatment of “silver-only” hazardous waste changed to reflect the less-stringent regulations of the Federal Resource Conservation and Recovery Act of 1976 (RCRA).

The new regulations, mandated by Senate Bill 2111, apply exclusively to wastes identified as hazardous solely due to their silver content. If a waste is hazardous for any other reason (i.e., reactive, corrosive, ignitable, or listed in California hazardous waste regulations) or constituent (i.e., toxic ingredient other than silver), it is still subject to full regulation under California law.

Background

California law requires the Department of Toxic Substances Control (DTSC) to develop and enact criteria and guidelines to identify and regulate hazardous waste. Under 1984 DTSC criteria, wastes containing silver were defined as hazardous if the silver concentration was greater than 5 ppm (5 mg/l) in solution or if the waste contains total silver (soluble or insoluble) in a concentration greater than 500 ppm (500 mg/l).

California law regulated silver waste more stringently than RCRA by:

- 1) Classifying wastes containing insoluble silver as hazardous;
- 2) Regulating businesses who generated silver waste in amounts of less than 100 kilograms or 27 gallons per month in the same manner as larger quantity generators; and
- 3) Regulating silver-reclaiming/recycling operations under the tiered permitting system, a regulatory program that prescribes conditions under which treatment operations not regulated by the federal law may be carried out in California.

Although toxic to aquatic life, silver is not believed to have significant effects on human health. Concerned that California’s hazardous waste program was over-regulating silver waste, the state senate passed SB2111 in July 1998 to lower controls to federal levels.

New Regulations

As set forth by RCRA, silver is now identified as hazardous only if it contains soluble silver in levels greater than 5 ppm or 5 mg/l using the Toxicity Characteristic Leaching Procedure. Insoluble silver is no longer identified and controlled as hazardous waste, including sludge generated by the treatment of silver-rich solutions and silver metal scraps. Additionally, onsite silver recycling and reclamation operations, including the treatment of photoprocessing solutions and wastewaters, will be regulated only in accordance with RCRA requirements and will no longer be included in the tiered permitting system.

Businesses generating exclusively “silver-only” hazardous waste in quantities of less than 100 kilograms or 27 gallons per month are now exempt from most hazardous waste generator requirements as *conditionally exempt small quantity generators* (CESQG). This includes most offices of dentists and chiropractors who do not generate any other hazardous waste from processes such as sterilization or cleaning. However, as required by RCRA, all CESQGs must still comply with the following three basic waste management requirements to remain exempt:

- ◆ Identify the 'silver-only' hazardous waste;
- ◆ Comply with storage quantity limits (270 gallons maximum onsite at any time);
- ◆ Ensure proper treatment and disposal of the silver waste.

Untreated silver waste may not be disposed of to landfill or into the sanitary sewer.

Manifests are still required for off-site shipments of silver wastes unless the generator is a CESQG. However, manifests are not required for Small Quantity Generators (less than 1,000 kilograms per month) when the transportation is performed under a contract to recycle or reclaim the waste.

For more information, please contact the **Santa Clara County Environmental Health Department, Hazardous Materials Compliance Division** at (408) 299-6930 or the DTSC at 1-800-618-6942.

Editor, Lisa Isaacs

Watershed Management in the Santa Clara Basin - New Solutions to Old Problems

Regional Setting: The Santa Clara Basin

The South San Francisco Bay (south of the Dumbarton Bridge) is a unique water body. Its shallow depths, limited freshwater inflow, and slow currents create increased potential for environmental impacts from natural and human activities. The South Bay receives all water runoff from the Santa Clara Basin watershed, which is bounded by the Diablo Mountains to the east, the Santa Cruz Mountains to the south and west and Coyote Reservoir to the south. The basin is a diverse community, where nearly 1.7 million people work and live.

What is the Watershed Management Initiative?

Mission: To protect and enhance the watershed, creating a sustainable future for the community and the environment.

In the past, specific issues affecting the basin have been addressed by separate regulatory actions, resulting in a “patchwork” approach to water pollution prevention and aquatic habitat protection. The Watershed Management Initiative (WMI) was initiated in 1996. It is a collaborative effort of representatives from business and industrial sectors; professional and trade organizations; environmental, resource conservation and agricultural groups; and regional and local public agencies.

A major aim of the WMI is to coordinate existing regulatory activities on a basin wide scale, ensuring that efforts to protect water quality are addressed efficiently and cost-effectively, and that all sources of pollution that threaten the Bay are considered.

How does this benefit business and industry?

The South Bay faces constant water quality threats from pollution due to its unique physical characteristics and location adjacent to a major urban area. Government regulations and pollution prevention programs have been instrumental in reducing the level of pollution discharged from the Santa Clara Basin. In the past, most of these measures were aimed at wastewater treatment facilities and major industries.

Recently, the major contribution of urban and rural sources has been recognized to be pollution of our creeks and the Bay. Everyone’s individual actions - washing and driving cars, using chemicals in home and landscape upkeep - are significant sources of pollution to the Bay. The WMI will confront and manage these issues by addressing all sources of pollution that threaten the Bay. Currently, WMI members are conducting a scientific watershed assessment to document the basin’s environmental conditions and identify sources of pollution. The WMI process for this assessment ensures a coordinated approach to data collection, and will allow Stakeholders to plan pollution reduction and prevention activities using actual stream/habitat data. The first report on this assessment process is scheduled for the spring of 2000. When completed, the assessment will

be the foundation for a regional watershed management plan to control pollutants from all significant sources, not just industry!

Who are these “Stakeholders”?

Stakeholders are persons or entities with a vested interest in future basin management and environmental health. The Stakeholders are committed to improving basin conditions by maintaining an open dialogue. Stakeholders help direct the WMI through monthly Core Group meetings, where they determine priorities and apply resources to meet agreed-upon priorities. In addition to federal, state and local regulators, WMI Stakeholders include representatives from business and trade organizations (such as Silicon Valley Manufacturing Group, CA Restaurant Association, Home Builders Association of Northern California, SJ Chamber of Commerce); agricultural groups (such as Santa Clara Cattleman’s Assoc., and Santa Clara County Farm Bureau); environmental, civic and local public agencies.*

In other words, these Stakeholders are YOU. By supporting the Watershed Management Initiative, you can assure that, while solutions to environmental pollution in the Santa Clara Basin are being crafted, your priorities, your concerns, and your innovative solutions are considered.

For more information on the Watershed Management Initiative, or information on how to get involved, please contact Erika Lovejoy at (408) 945-3024, or visit the WMI website at:

<http://www.ci.san-jose.ca.us/esd/wmi.htm>

*For a complete list of agencies, see the website listed above.